

REMARKS

This application has been reviewed in light of the Office Action dated October 3, 2007. Claims 1-8, 21-28, 41-48 and 80-82 are presented for examination. Claims 1, 6, 21, 26 and 41-48 have been amended to define still more clearly what Applicant regards as his invention. Claims 74 and 76-79 have been canceled without prejudice or disclaimer of subject matter, and will not be mentioned further. Claims 80-82 have been added. Claims 1, 21 and 41 are in independent form. Favorable reconsideration is respectfully requested.

In the outstanding Office Action, Claims 1-8, 21-28 and 41-48 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patents 6,804,019 (Shiohara) and 6,327,0541 (Moro et al.), taken in combination.

Independent Claim 1 is directed to a server capable of communicating with a device. The server of Claim 1 comprises first and second storage units, the first storing information representing an ability of the device, and the second, storing information representing an ability of a device driver for the device. A retrieval condition reception unit receives a retrieval condition that includes at least one item, for selecting the device, and a comparing unit compares that retrieval condition with combined information that is formed by combining the information stored by the first storage unit and the information stored by the second storage unit. Also provided is an output unit adapted to output the result of that comparison. Claim 1 now explicitly recites that the output unit “*outputs information for identifying, among the at least one item included in the search condition, an item which does not conform to the ability of the device but conforms to the ability of the device driver* [emphases added].”

Thus, when a request is received to identify a device capable of performing a given job (for example, a printer capable of performing a job in which it is specified that the output is to be double-sided and 2-up printing), the server of Claim 1 compares the requirements of the request with the mentioned combined information, which for each device combines both information about the device's own capabilities, and the capabilities of the device's driver. As a result, even if the device itself is not able to fulfill all the conditions set in the request, if the rest of those conditions can nonetheless be fulfilled as a result of the capabilities of the driver, then that device is a candidate for performing the job in question.

By virtue of the features recited in Claim 1, not only is it possible to search for a device in consideration of the capabilities of the device and of those of the device driver, but in addition, it is possible for a user to know in advance which item in the search condition is executed by the device driver. As compared with a technique of merely outputting a result as to conformation, this is very advantageous for a user who wishes to keep the load on the device driver to a minimum.

Shiohara has been adequately discussed in previous papers, and it is not believed to be necessary to repeat that discussion in full. As set out in Applicant's last Request for Reconsideration, Applicant submits that nothing has been found, or pointed out, in *Shiohara* that would teach or suggest the recited comparing unit, which compares the contents of a received service request with combined information obtained by combining first information stored in a first storage unit and second information stored in a second storage unit. Indeed, nothing in *Shiohara* is seen to suggest that the first and second management tables should ever be combined, or that any portion of their contents

should be combined. Much less does anything in that patent suggest making a comparison of a received service request with the results of such comparison. Accordingly, it is believed to be clear that Claim 1 is allowable over *Shiohara*, taken alone.

Moro relates to a technique of printing control in which control information for controlling a printing device is entered by a user, the entered information is stored in a user information storage unit 2 (see Fig. 1). *Moro*, col. 6, line 52, through col. 7, line 15. Examples of sets of such information are shown in Figs. 2-4. In addition, all combinations of items of control information that are capable of being set by the user, and values of items that are not capable of being set by the user, are stored as preset values in a combined information storage unit 3. Examples of such combinations are illustrated in Figs. 5-8. *Moro*, col. 7, lines 15-51.

It should be noted that the combinations stored in unit 3 may include combinations that involve the use of functions that cannot be selected at the will of the user. For example, if the printing device has a smoothing function, which makes it possible to improve the quality of an output image where high-quality printing is being performed, combined information storage unit 3 may store a combination in which coated paper is specified, and in which the smoothing function is performed. In such a case, the user can specify the use of coated paper, or of plain paper, but is not offered a chance to specify whether the smoothing function is to be performed or not. Rather, if the user specifies coated paper, then by virtue of the stored combination in unit 3, the smoothing function is (automatically) performed, whereas if the user specifies plain paper, then the smoothing function is not performed. *Moro*, col. 7, line 52, through col. 8, line 4.

When the user enters instructions for the printing device, the values in the entered instructions (e.g., an instruction that coated paper is to be used) are compared with the corresponding values in the combinations stored in unit 3, to identify a stored combination that matches the entered instructions. To continue with the foregoing example, if the user's instructions call for the job to be printed on coated paper of size A4, in color, the comparison unit 4 compares these instructions with the stored combinations to identify a combination that includes paper size of A4, coated paper and printing in color. Inj this example, the recognized stored combination not only includes these three values, but also includes the specification that the smoothing function is to be executed. This combination is sent to the printing device for execution. *Moro*, col. 8, lines 16-50.

At the very least, nothing in *Moro* is believed to teach or even suggest either the comparing unit of Claim 1, or the output unit recited in that claim. As shown above, the comparing unit is “to *compare the retrieval condition* received by said retrieval condition reception unit *with combined information* [emphases added]”, and the combined information is “*a combination of the information stored by said first storage unit and the information stored by said second storage unit* [emphasis added]”. If the instructions entered by the user in the *Moro* system are considered to be the retrieval condition received by the retrieval condition reception unit of Claim 1, then for the printing information comparator 4 of the *Moro* device to be the comparing unit of Claim 1, then *Moro*'s comparator 4 would have to compare the entered instructions with combined information that is “a combination of the information stored by said first storage unit and the information stored by said second storage unit“, as recited in Claim 1. The “information stored by said first storage unit”, according to Claim 1, is information about “representing an ability of the device”, and the “information stored by said second unit”,

according to Claim 1, is information about “representing an ability of a device driver for the device”. The “combined information”, therefore, must include information about the abilities of the device *and* about those of the device driver. It is submitted that nothing in *Moro* would suggest a first storage unit storing information about an ability of the printing device and a second storage unit storing information about an ability of the device driver, and in addition a comparing unit that compares a retrieval condition with combined information that includes information from both of two such storage units.

Moreover, even assuming for argument’s sake that *Moro* should be read as disclosing the recited first and second storage units, and that comparator 4 in *Moro* should be considered to correspond to the recited comparing unit, it is submitted that *Moro* would still not supply all that is missing from *Shiohara* as prior art against Claim 1. As shown above, that claim also recites an outputting unit that outputs information that identifies an item that conforms to one of a set of combined information but not to the other. To meet this feature of Claim 1, *Moro* would need to disclose outputting information that would identify an entered instruction that is met by the abilities of the printing device but not by those of the device driver, or that is met by that abilities of the driver but not by those of the printing device. Applicant submits that nothing in that patent would in any way suggest outputting such information.

In this connection, it is noted that if the user of the *Moro* system changes a default setting, a display is controlled to identify the changed default setting (see, e.g., col. 12, line 61, through col. 13, line 40). It is submitted that this would not suggest displaying (or otherwise outputting) information that identifies an instruction that is compatible with an ability of a device but not with that of the device driver, or *vice versa*, as recited in Claim 1.

Accordingly, it is submitted that Claim 1 is allowable over *Shiohara* and *Moro*, taken separately or in any possible combination (if any).

Independent Claims 21 and 41 method and computer-medium claims, respectively, corresponding to server Claim 1, and are believed to be patentable for at least the same reasons as discussed above in connection with Claim 1.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration or reconsideration, as the case may be, of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

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